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## **OLR Bill Analysis**

**sSB 1206 (File 696, as amended by Senate "A")\***

### ***AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.***

#### **SUMMARY:**

This bill makes peace officers liable when they interfere with a person taking a photographic or digital still or video image of them or another peace officer performing his or her duties. The bill specifies that liability attaches when the interfering officer lacks a reasonable basis for believing that he or she is acting to:

1. lawfully enforce a state criminal law or municipal ordinance;
2. protect public safety;
3. preserve the integrity of a crime scene or criminal investigation;
4. lawfully enforce court rules and policies of the Judicial Branch with respect to taking a photograph, videotaping, or otherwise recording an image in Judicial Branch facilities; or
5. safeguard the privacy interests of any person, including a crime victim.

The photographer can establish liability against the officer through a suit at law, in equity, or other proper procedure. The peace officer may seek indemnification from his state or municipal employer so long as he or she was working within the scope of authority and the conduct was not willful, wanton, or reckless.

\*Senate Amendment "A" adds the provision concerning lawful enforcement of court rules and policies.

EFFECTIVE DATE: October 1, 2011

## **BACKGROUND**

### ***Peace Officers***

“Peace officer” means a member of the Division of State Police or organized local police department; chief inspector or inspector in the Criminal Justice Division; state or judicial marshal exercising legal authority; conservation or special conservation officer; constable who performs criminal law enforcement duties; special policeman, with some limitations; adult probation officer; Department of Correction (DOC) official authorized to make arrests in DOC facilities; treasurer’s Office investigator; or federal special agent authorized to enforce federal drug statutes (CGS § 53a-3(a)).

## **COMMITTEE ACTION**

### Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 16 (04/14/2011)

### Appropriations Committee

Joint Favorable

Yea 24 Nay 17 (05/27/2011)